

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TENNESSEE**  
**SOUTHERN DIVISION**

BRIAN DAVIS,

Plaintiff,

vs.

CSX TRANSPORTATION, INC.,

Defendant.

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No.: 1:07-CV-79

***Jury Demand***

**SUPPLEMENT TO DEFENDANT'S MOTION IN LIMINE**  
**RE: PLAINTIFF'S MEDICAL EXPENSES**

\_\_\_\_ Comes the Defendant, CSX Transportation, Inc., through counsel and supplements its Motion regarding the payment by the Defendant through United Health Care of Plaintiff's medical expenses.

Plaintiff has taken the deposition of Sue Austin and Ms. Austin testified that Plaintiff opted out of the Union negotiated insurance plans that Defendant offers its employees. She testified that he was covered under his wife's insurance. If his claim for medical expenses arising out of the subject accident was submitted to her plan with CIGNA, it would be denied because it is work related. CIGNA does not accept a work related injury claim. Consequently, the billing would need to be sent to CSX so that it could be paid for by CSX.

In other words, a part of the Union negotiated agreement between the Defendant and the Plaintiff's Union provide that the Defendant will pay medical expenses arising out of a work related injury and has done so in this case. (*Austin Deposition, Pages 28, 29, 30, 31, 43, and 44*).

BAKER, O'KANE, ATKINS & THOMPSON

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**CERTIFICATE OF SERVICE**

\_\_\_\_\_ I hereby certify that on *April 14, 2008*, a copy of the foregoing ***Supplement to Defendant's Motion in Limine Re: Plaintiff's Medical Expenses***, was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

S/ John W. Baker, Jr., Esq.